

2. The above cutting provisions shall not prevent:

a. The removal of diseased or insect infested trees, or of rotten or damaged trees that present safety hazards.

b. Pruning of trees or the cutting of shrubs, understory vegetation bushes, grasses or from harvesting nonwood fiber crops.

c. The practice of forestry on lands enrolled under the woodland tax law or forest crop law (ch. 77, Stats.) as prescribed in a department approved forest management plan. Modifications to commonly accepted silvicultural methods will be prescribed by the department forester where necessary to protect the esthetic values of the area.

(b) Vegetative cutting elsewhere in the lower St. Croix river district may be conducted only where it is accessory to a permitted or conditionally permitted activity.

(12) GRADING AND FILLING PROVISIONS. (a) Any grading or filling of the natural topography in excess of that normally required for the construction of a structure or for normal yard maintenance shall be subject to all applicable state laws, the provisions for conditionally permitted activities, and in addition:

1. An application for a permit shall include a detailed plan and schedule of the earth moving activities, including a plan which shows how vegetative cover will be reestablished at what density and within what timeframe.

2. Approval of a plan shall be conditioned upon the following:

a. No filling or grading shall be allowed except for rock riprapping for shoreline protection on slopes greater than 12%.

b. Diversions, silting basins, terraces and other methods to trap sediments shall be used where necessary.

c. Fill shall be stabilized according to accepted engineering standards.

(b) Lagooning and dredging are prohibited unless authorized by permit from the department. Protection against erosion, sedimentation and impairment of fish and aquatic life shall be assured.

(c) The drainage or filling of wetlands is prohibited.

(13) COLOR OF STRUCTURES. The exterior color of structures including roofs, stairways, docks and lifts shall be natural wood and earth tones.

(14) SUBSTANDARD LOTS. Lots of record in the register of deeds office on the effective date of these rules or enactment of amendment to local ordinance which do not meet the requirements of NR 118.06 may be allowed as building sites provided that:

(a) The lot is in separate ownership from abutting lands, or, if lots in an existing subdivision are in common ownership, that each of the lots have at least one acre of net project area, and

(b) The proposed use conforms to the requirements of these rules and any underlying zoning or sanitary code requirements.

(15) **TRANSMISSION FACILITIES.** All new and updated transmission and distribution facilities shall be buried or shall share existing public or utility rights-of-way except the existing pipeline corridor in section 2, township 33 north, range 19 west, Polk county, Wisconsin.

(16) **SUBDIVISIONS.** In any new subdivision with river frontage there shall be one designated location for a stairway or lift.

History: Cr. Register, June, 1980, No. 294, eff. 7-1-80; cr. (11) (a) 2. c., Register, May, 1982, No. 317, eff. 6-1-82.

NR 118.07 Administrative provisions. (1) **ADOPTION AND REVIEW OF ORDINANCES.** (a) Ordinances implementing the provisions of this chapter shall be adopted within 90 days of the promulgation of these rules.

(b) Upon adoption of an ordinance implementing these rules, the governmental unit shall submit 2 copies of the ordinance to the department of natural resources. The department shall review such ordinance and respond to its adequacy in meeting the rules.

(2) **REVIEW OF APPEALS IN UNINCORPORATED AREA.** (a) All appeals for conditionally permitted activities, amendments and variances shall be reviewed by the department and comments submitted to the appropriate governmental unit for inclusion into the hearing record.

(b) In objecting to an appeal, the department shall fully state, in writing the basis for its opposition and appear at the hearing to explain its position.

(c) Special exception permits, conditional use permits, amendments or variances shall not be approved over the objection of the department.

(d) A permit for a conditionally permitted activity in an unincorporated area shall not be issued over the written objection of a town board.

1. Such objection shall be presented in writing and in person at the public hearing of the conditionally permitted activity; and

2. Such objection shall explain where the proposed project is inconsistent with these rules, the lower St. Croix river protection act, or town zoning regulations.

(e) Where additional information is introduced at the hearing by the applicant or where the applicant may wish to review the department's or town's opposition, the hearing record may be held open for review of such information or position.

1. This action by the county shall stay any construction by the applicant.

2. If at the end of 30 days from the date of the hearing, the department or the town has not changed their position, the hearing record shall be closed.

3. The department shall assist the governmental units in implementing and enforcing ordinances adopted pursuant to these rules.

History: Cr. Register, June, 1980, No. 294, eff. 7-1-80.